

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SECTION 23 PROPERTY
OWNER'S ASSOCIATION, INC.,

Plaintiff,

v.

Case No.: 2:15-cv-261-SPC-MRM

JANE B. ROBINSON, ALBERT
M. ROBINSON,

Defendants.

ORDER¹

Before the Court is Defendant Albert Robinson's Motion for an Order to Mail the Certified Order Through the U.S.P.S. ([Doc. 16](#)). He requests that the Court order the Clerk to mail a certified copy of a 2015 remand order ([Doc. 9](#)) to the state court clerk. The Court denies the Motion.

Section 23 Property Owners Association, Inc. sued in state court. Robinson removed based on a federal question and diversity. Yet the Complaint lacked federal jurisdiction. Without subject-matter jurisdiction, the Court remanded this action to state court. ([Doc. 9](#)). Robinson argues (similarly

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to the argument he made in his separate action: 2:15-cv-261) that this case was never remanded to state court because the Clerk did not mail the remand order to the state court clerk as required by [28 U.S.C. § 1447\(c\)](#).

Robinson's contention fails. As the docket shows, the Clerk mailed certified copies to the state court on May 12, 2015. Part of Robinson's confusion may be that CM/ECF does not show ministerial events like Clerk's Office mailings on the publicly viewable docket. But the full docket clearly states that a certified copy was mailed to the Clerk of the Circuit Court of the Twentieth Judicial Circuit in and for Charlotte County, Florida. Correspondingly, the state-court docket reflects the receipt of the certified remand order on May 14, 2015.² The Court was divested of jurisdiction by the time the Clerk mailed the certified remand order. *E.g.*, [Shapiro v. Logistec USA, Inc.](#), 412 F.3d 307, 312 (2d Cir. 2005) ("Section 1447(d) establishes that once a section 1447(c) remand order has been mailed to the state court pursuant to the latter section, federal jurisdiction is at an end.").

Accordingly, it is now

ORDERED:

Defendant Albert Robinson's Motion for an Order to Mail the Certified Order Through the U.S.P.S. ([Doc. 16](#)) is **DENIED**.

² The state case is in Charlotte County, and its number is 14-601-CC.

DONE and **ORDERED** in Fort Myers, Florida on September 10, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record